

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES -- GENERAL

Case No. **CV 15-1135-JFW (JCx)**

Date: June 12, 2015

Title: Spirit Clothing Company -v- Panda Apparel LLC

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**PRESENT:**

**HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE**

**Shannon Reilly**  
**Courtroom Deputy**

**None Present**  
**Court Reporter**

**ATTORNEYS PRESENT FOR PLAINTIFFS:**

None

**ATTORNEYS PRESENT FOR DEFENDANTS:**

None

**PROCEEDINGS (IN CHAMBERS): ORDER VACATING STAY; and**

**ORDER TRANSFERRING CASE TO UNITED STATES  
DISTRICT COURT FOR THE DISTRICT OF NEW  
JERSEY**

On June 4, 2015, the Court granted Panda Apparel LLC's ("Panda") Motion to Dismiss or Transfer because it concluded that the first to file rule applied in this case and none of the exceptions to the first to file rule were applicable, but stayed this action in light of the pending motion to dismiss in the action Panda filed in the United States District Court for the District of New Jersey on September 3, 2014 ("New Jersey Action"). The Court stayed this action instead of transferring it because it was concerned that it may be transferring this action to a Court that lacked subject matter jurisdiction over the related case. In light of the ruling by the Court in the New Jersey Action, the Court vacates the stay issued in this action and hereby **TRANSFERS** this action to the United States District Court for the District of New Jersey. *Cedars-Sinai Medical Center v. Shalala*, 125 F.3d 765, 768 (9th Cir. 1997) (holding that, under the first-to-file rule, a court "has discretion to transfer, stay, or dismiss the second case in the interest of efficiency and judicial economy").

IT IS SO ORDERED.